IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 196 of 1995

Date of decision : October 05, 2007.

Ravinder Singh

.... Petitioner

versus

State of Haryana

.... Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. B.S. Sehgal, Advocate
for the petitioner.

Mr. K.S. Godara, DAG, Haryana
for the respondent.

A.N. JINDAL, J.

Assailed in this petition is the judgment dated 28.2.1995 passed by the learned Additional Sessions Judge, Jagadhri, dismissing the appeal filed by the petitioner against the judgment dated 3.4.1993 passed by Chief Judicial Magistrate, Jagadhri, convicting the accused-petitioner Ravinder Singh (hereinafter referred to as 'the petitioner') under Sections 304-A, 279, 337 IPC and sentencing him to undergo rigorous imprisonment for one year and to pay fine of Rs.1000/- under Section 304-A IPC and to undergo rigorous imprisonment for three months and to pay fine of Rs.100/- under Sections 279 and 337 IPC each.

In nutshell the facts in brief which culminated into trial, are that on 6.8.1985, the complainant Jagdamba Parshad went to his relative at Kalka Colony Yamuna Nagar, where Surinder and Ravinder Singh were already present. They consumed liquor and took dinner together and thereafter they went to Jagadhri workshop Railway Station for taking Pan in

a three wheeler. At about 11.00 PM, when they were returning home, the petitioner who was driving the three wheeler rashly and negligently struck it against the railway diesel engine, passing on the rails, resultantly, Surinder Kumar and Mohan Lal suffered grievous injuries and died at the spot. On the basis of the said statement Ex.PA, made by Jagdamba Parshad injured case was registered. Investigation was commenced which was followed by a report under Section 173 Cr.P.C.

The petitioner was charged under Sections 279/337/304-A IPC to which he pleaded not guilty and claimed trial.

In order to substantiate the charge, the prosecution examined as many as 15 witnesses.

The trial ended in conviction. Appeal against the said order was also dismissed.

Without challenging the judgment of conviction, the learned counsel for the petitioner has contended that it would not be appropriate or fair in the proper administration of justice to send the petitioner in jail after more than 20 years particularly when as per his contentions, the petitioner has not repeated any such offence till date.

Having deliberated over the aforesaid contentions, it would be observed that both the courts below have concurrently observed against the petitioner and held his negligence in the commission of the crime. Irrespective of the fact that the petitioner has not assailed the conviction, yet, no illegality worth the name could be detected warranting interference of this court. As the sword of domecle remained hanging over the head of the petitioner since the year 1985 till date and he has already suffered a lot

on account of the protracted criminal proceedings pending against him, therefore, notwithstanding the fact that the said circumstances are not sufficient to set him completely free, yet longevity of the trial and other attending circumstances of the case, some leniency towards quantum of sentence deserves to be extended.

Consequently, while dismissing the revision petition the sentence passed against the petitioner is reduced to 9 months without alteration in the sentence of fine.

October 05, 2007 **(A.N. Jindal)**
'deepak' **Judge**

To be referred to reporter: Yes/No.